



Home Office

# **Country Policy and Information Note**

## **Iran: Adulterers**

**Version 3.0**

**October 2019**

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 24 June 2019

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of persecution and/or serious harm by state or non-state actors due to actual or alleged act(s) of adultery.

### 1.2 Points to note

- 1.2.1 For the purposes of this note, adultery is defined as a sexual relationship between a man and a woman outside of marriage.

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## 2. Consideration of issues

### 2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Exclusion

- 2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#).

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### 2.3 Refugee convention reason

- 2.3.1 A person's actual or imputed membership of a particular social group.
- 2.3.2 Adulterers in Iran form a particular social group (PSG) within the meaning of the Refugee Convention because they share an innate characteristic, or a common background that cannot be changed – the fact that they have, or alleged to have, committed adultery – (or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it) **and** have a distinct identity because it which is perceived as being different by the surrounding society.
- 2.3.3 Adultery is a specific crime in Iran and can be punishable by disproportionately severe sentences. In the [Court of Justice of the European](#)

[Communities judgement for the joined cases of C-199/12 to C-201/12, dated November 2013 \(\[2013\] WLR\(D\) 427, \[2013\] EUECJ C-199/12\)](#), the Court held that 'the existence of criminal laws which specifically target the group concerned, supports the finding that those persons must be regarded as forming a particular social group.' (Ruling point 1).

- 2.3.4 Although adulterers in Iran form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question is whether the particular person has a well-founded fear of persecution on account of their membership of such a group.
- 2.3.5 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.4 Risk

### a. State treatment

- 2.4.1 Any consensual sexual relationship outside of marriage is considered a crime in Iran. It is punishable by 100 lashes, between 10 days and two months of imprisonment, and in some cases stoning to death, depending on the person's legal status e.g. male / female and married / unmarried etc (see [Penal Code and punishment](#)).
- 2.4.2 While it appears that the ways in which the authorities deal with adultery cases have changed over the last couple of decades, there are recent incidents of people being found guilty of adultery and subsequently punished. The last known execution by stoning took place in 2009 and the last reported death sentence for adultery in the sources consulted was imposed in November 2018. However, the authorities do not release official statistics, and punishments often take place in secret. Similarly, official statistics on flogging are rarely made public, and victims avoid talking about them in public for fear of stigmatization although it was reported that a woman received 100 lashes in Golpayegan as punishment for adultery in April 2016 (see [Prevalence of adultery and application of the law in practice](#) and [Treatment of women](#)).
- 2.4.3 Women are at a greater risk of being accused and convicted of adultery owing to negative social stigma associated with women's sexuality, discriminatory laws, unfair trials and societal acceptance of 'honour' crimes. The Penal Code also permits a husband to kill his wife and her lover, if he has caught them in the act. However, if he knows his wife acted under coercion, he is only permitted to kill her rapist (see [Penal Code and punishment](#)).
- 2.4.4 Iranian law allows men to have multiple wives thus allowing them to claim to have both a permanent and temporary marriage at the same time. A temporary marriage contract called 'Sigheh' effectively permits sexual relations for men outside of marriage. Women are not allowed to have multiple spouses making punishment more likely. However, men have also been arrested and sentenced to stoning in recent years for committing adultery (see [Treatment of women](#)).

- 2.4.5 Pre-marriage relationships (known as ‘white marriages’), in which a young couple live together, are becoming increasingly common. While these arrangements are illegal and could be punished by flogging or imprisonment, in general, unless a complaint is made, the police do not prosecute those involved. Authorities have recently begun taking a softer approach towards the Iranian youth, particularly in major cities such as Tehran (see [Pre-marital relationships and application of the law in practice](#)).
- 2.4.6 For further guidance on assessing risk generally, see the instruction on [Assessing Credibility and Refugee Status](#).

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#### b. Societal treatment

- 2.4.7 CPIT could only find limited information in the sources consulted (see [Bibliography](#)) about societal attitudes to those who commit adultery.
- 2.4.8 There are no official reports of ‘honour’ crimes although killings motivated by honour including for being perceived to engage in extra-marital relationships are thought to still occur, particularly in Khuzestan and Kurdistan. Women are at a greater risk than men of actions taken against adulterers where a family’s reputation is perceived to have been damaged, although men are still vulnerable to honour related violence in Iran. Under Article 300 of the Penal Code, a man is allowed to kill their spouse and her lover if caught in the act of committing adultery. While some families prefer to downplay any incidents of adultery within the family and not make it public, others may report the behaviour to the authorities. Extrajudicial killings may take place and women are also sometimes pressurised into committing suicide (see [Honour related violence](#)).
- 2.4.9 For further guidance on assessing risk generally, see the instruction on [Assessing Credibility and Refugee Status](#).

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### 2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from state actors, they will not be able to avail themselves of the protection of the authorities.
- 2.5.2 Where the person has a well-founded fear of persecution from non-state actors – including ‘rogue’ state actors – decision makers must assess whether the state can provide effective protection.
- 2.5.3 For more information see the country policy and information note: [Iran: Background information, including actors of protection and internal relocation](#).
- 2.5.4 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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### 2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from state actors, it is unlikely to be reasonable for them to relocate to escape that risk.

- 2.6.2 Where a female adulterer has a well-founded fear of persecution from a non-state actor e.g. a husband or other family members, it is unlikely to be reasonable for them to relocate to escape the risk given the restrictions placed on women's freedom of movement particularly in rural areas and the difficulties women face in living alone. In addition, even where the authorities may try to address honour killings, extrajudicial killings have taken place.
- 2.6.3 Where a male adulterer has a well-founded fear of persecution from a non-state actor, internal relocation may be an option depending on the nature of the threat, the proposed place of relocation and the personal circumstances of the person concerned. Decision makers must consider the relevance and reasonableness of internal relocation on a case-by-case basis.
- 2.6.4 For more information on internal relocation see the country policy and information note: [Iran: Background information, including actors of protection and internal relocation](#).
- 2.6.5 For further guidance on internal relocation generally, see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Section 3 updated: 18 June 2019

## 3 Penal Code and punishment

- 3.1.1 The act of adultery falls under the definition of ‘Zina’ in the Iranian Penal Code (IPC). Zina is defined in Book Two, Part Two, Chapter One, Article 221 of the 2013 IPC as ‘sexual intercourse of a man and a woman who are not married to each other, and also provided that the intercourse is not done by mistake.’<sup>1</sup>
- 3.1.1 Article 225 sets out that the punishment for zina of a man and a woman who meet the conditions of “ihsan” [are married]:
- ‘The hadd punishment for zina of a man and a woman who meet the conditions of ihsan shall be stoning to death. Where the execution of stoning is not possible, upon proposal of the court of final judgment and approval of the Head of Judiciary, if the offense is proved by testimony of witnesses, the man and a woman who have committed zina and meet the conditions of ihsan shall be sentenced to the death penalty (hanging); otherwise, each one of them shall be given one hundred lashes.’<sup>2</sup>
- 3.1.2 An Iran Human Rights Documentation Centre (IHRDC) article entitled ‘Gender Inequality and Discrimination: The Case of Iranian Women’ dated 5 March 2013 stated ‘Under the Shari’a law, sexual intercourse is only permitted within a marriage and sex out of marriage is considered to be a hadd [morality] crime. The crime of zina has been defined as sexual intercourse between a man and a woman who are not married to each other. To prove this offense, very strict standards of evidence are required, including the testimony of four eyewitnesses or the making of a confession four times.’<sup>3</sup>
- 3.1.3 The article further stated that ‘[p]ersons who have committed zina [adultery] can be punished with the hadd penalties of either 100 lashes or death by stoning, depending on their legal status. For men who are married (known as a ‘mohsan’) and women who are married (known as a ‘mohsaneh’), the hadd punishment for zina is stoning to death.’<sup>4</sup>
- 3.1.4 The 2019 World Report produced by Human Rights Watch covering events in 2018, stated that Iranian law considers acts such as adultery as a crime punishable by death<sup>5</sup>. Furthermore, the United States Department of State (USSD) Country Report on Human Rights Practices 2018, published in March 2019, also stated that adultery is punishable by death by stoning<sup>6</sup>.
- 3.1.5 An article published by The Telegraph in May 2013 entitled ‘Iran amends law on stoning for adultery’ stated:

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<sup>1</sup> IHRDC, ‘Books 1 & 2 of the New Islamic Penal Code’, 4 April 2014, [url](#)

<sup>2</sup> IHRDC, ‘Books 1 & 2 of the New Islamic Penal Code’, 4 April 2014, [url](#)

<sup>3</sup> IHRDC, ‘Gender Inequality and Discrimination: The Case of Iranian Women’, 5 March 2013, [url](#)

<sup>4</sup> IHRDC, ‘Gender Inequality and Discrimination: The Case of Iranian Women’, 5 March 2013, [url](#)

<sup>5</sup> HRW, ‘World Report 2019 – Iran’, 17 January 2019, [url](#)

<sup>6</sup> USSD, ‘Iran 2018 Human Rights Report’, 13 March 2019, [url](#)

'Iran has reportedly amended its internationally condemned law on stoning convicted adulterers to death to allow judges to impose a different form of execution.

'The controversial practice, in which stones are thrown at the partially buried offender, has provoked outcries from human rights organisations, international bodies and Western countries urging Iran to abandon it.

'An article of Iran's Islamic new penal code, published earlier this week, states that, "if the possibility of carrying out the (stoning) verdict does not exist," the sentencing judge may order another form of execution pending final approval by the judiciary chief.

'The article does not explain what is meant by the possibility of stoning not existing.

'[...] Under Iran's interpretation of Islamic Sharia law in force since its 1979 revolution, adultery is punished by the stoning of convicted adulterers.

'Women are buried up to the their [sic] shoulders, but men only up to their waists. They are spared if they manage to free themselves before dying.'<sup>7</sup>

- 3.1.6 Article 224 of the IPC states that the following sexual offenses are also among those that are punishable by death:
- (a) Adultery with blood relatives who are prohibited to marry.
  - (b) Adultery with a step-mother; in which case the male party shall be sentenced to the death penalty.
  - (c) Adultery involving a non-Muslim man with a Muslim woman; in which the male shall be sentenced to the death penalty.
  - (d) Adultery committed by coercion or force (i.e. rape); in which case the male perpetrator shall be sentenced to the death penalty.
- 3.1.7 The same article goes on to state that the female party involved in paragraphs (b) and (c) will be punished in accordance with other provisions of Zina<sup>8</sup>.
- 3.1.8 In February 2018, the Danish Immigration Service and the Danish Refugee Council released a joint report ('the DIS-DRC report 2018') based on interviews conducted in September and October 2017 in Iran, Turkey and the United Kingdom. The report stated that for a married person to be found guilty of adultery and for a court to pass a penalty of stoning, four male and two female witnesses would need to provide testimonies. In cases where one of the involved persons is unmarried, 2 male witnesses and 4 female witnesses would be required for a court to pass a penalty of lashings. Additionally, an unmarried person could be found guilty of adultery and punished with lashes if one of the parties involved provides four separate confessions<sup>9</sup>.
- 3.1.9 In addition to proving guilt by eyewitness testimony, a joint report by Iran Human Rights (IRH) and Ensemble Contre la Peine De Mort (ECPM)

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<sup>7</sup> The Telegraph, 'Iran amends law on stoning for adultery', 30 May 2013, [url](#)

<sup>8</sup> IHRDC, 'Books 1 & 2 of the New Islamic Penal Code', 4 April 2014, [url](#)

<sup>9</sup> DIS-DRC, 'Iran – Relations outside of marriage', February 2018 [url](#)

[translated as Together Against the Death Penalty] published in February 2019 stated that:

‘... according to the Islamic Penal Code when confessions or testimony by eyewitnesses are missing in a case, a judge can make a decision based on his exclusive opinion, without any reference to laws and codes. This phenomenon is known as ‘knowledge of the judge’, or ‘elm-e qazi’. The law requires that rulings based on a judge’s knowledge derive from evidence, including circumstantial evidence, and not merely personal belief that the defendant is guilty of the crime.’<sup>10</sup>

- 3.1.10 The Suuntaus project report compiled by the Finnish Immigration Service on ‘Violence against women and honour- related violence in Iran’ dated 26 June 2015 citing various sources stated that ‘Article 630 [of the IPC] gives a man the right to kill his adulterous wife and her lover if he catches them in the act. Although a man has a legal right to kill his wife and lover if he catches them in the act of adultery, cases in which the provision is applied in practice are rare. According to Sharia law, the man would need to have four witnesses to the act, which is almost impossible to achieve in practice.’<sup>11</sup>
- 3.1.11 A full description of the circumstances and punishments relating to adultery (Zina) is covered between Article 221 and Article 232 of the IPC. An unofficial English translation of Book One and Book Two of the new [Islamic Penal Code \(IPC\) of 2013](#) can be found on the Iran Human Rights Documentation Center Website<sup>12</sup>.

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Section 4 updated: 18 June 2019

## **4 Prevalence of adultery and application of the law in practice**

- 4.1.1 The DIS-DRC 2018 report entitled ‘Iran: Relations outside of marriage in Iran and marriages without the acceptance of the family’ stated that:

‘Adultery or extramarital relations are prevalent in Iran, and divorcing is increasing and becoming more common.

‘[...] According to the source the police usually do not intervene, at least in large cities, unless there is a private complainant. A confession is as well required in adultery trial cases.

‘Practice regarding dealing with adultery cases by the authorities has changed. A Western embassy explained that adultery cases rarely go to the court. An anonymous legal source added that the judges know how the society has changed and are trying to get around cases of adultery. Furthermore, in practice, punishments like stoning are no longer being practiced in major Iranian cities but provincial and less-urban areas of Iran are still witness to such practices, the same source stated.

‘Issues regarding adultery are often handled outside of the court. Middle East Consultancy Services noted that adultery is a shame for the family and it is dealt with by using social codes. An anonymous analyst explained that in

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<sup>10</sup> IHR & ECPM, ‘Annual report on the death penalty in Iran 2018’, 26 February 2019, [url](#)

<sup>11</sup> Finish Immigration Service, ‘Honour-related violence in Iran’, 26 June 2015, [url](#)

<sup>12</sup> <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

most cases, husbands whose wives are revealed having a relation outside marriage would not want to reveal the case in public but try to downplay the situation. More likely, the husband would gather information on the relation and file a case for divorce in which the wife would not get back some or all of her financial rights such as splitting of assets or even her marriage portion which she is otherwise entitled to in a divorce initiated by the husband. Further, extramarital relations are more socially acceptable for a man, according to an anonymous legal source. However, the source underlined that it is a cultural issue as there is no difference in the law.<sup>13</sup>

#### 4.1.2 The same report continued:

‘When asked about recent adultery trial cases, several sources stated that they did not have information in this regards. Two sources added that they had not come across any cases of adultery before the court. One source mentioned that the last reported stoning sentence for adultery, was imposed in 2015. Further, the authorities do not release official statistics and punishments often take place in secret. Similarly, no statistics on flogging are made public. The source further referred to Amnesty International reporting that in 2016, at least one woman, Farbia Khaleghi, remained under a sentence of death by stoning.

‘Adultery is difficult to prove as it requires witnesses. Cases regarding adultery are due to the strict evidence requirement rarely brought before the court.

‘There are cases of people being sentenced for lesser crimes e.g. promiscuous behaviour, as it is punishable by law. A source explained that if a couple is caught in the act they risk being faced with other charges than adultery, e.g. promiscuous or lewd and lascivious behaviour which does not always require the citation by witnesses and “knowledge of the judge” after a report by the police could be adequate. There is a very big difference in practice on this matter from city to countryside.

‘Another source added that sometimes people are accused not for adultery, but for instance of not following societal norms and the religious lines.<sup>14</sup>

#### 4.1.3 The Australian Government’s Department of Foreign Affairs and Trade (DFAT) Country Information Report on Iran dated 7 June 2018, which is based on a range of sources, including information from their Embassies in-country and visits to the country concerned, reported:

‘Iran implements the death penalty at one of the highest rates in the world, both in actual numbers and per capita. The death penalty applies for many crimes, including drug-related offences, murder, rape, security-related offences and ‘moral crimes’, including adultery, blasphemy and homosexuality. Iran does not publish statistics on executions, and exact figures are difficult to obtain. However, NGOs and diplomats estimate that the number of executions has sat between 500 and 700 per year for the past decade. Hanging is the general method of execution, although the Penal

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<sup>13</sup> DIS-DRC, ‘Iran – Relations outside of marriage’, February 2018 [url](#)

<sup>14</sup> DIS-DRC, ‘Iran – Relations outside of marriage’, February 2018 [url](#)

Code also permits death by stoning. According to the Iranian government, a judicial moratorium on the use of stoning has been in place since 2008.<sup>15</sup>

4.1.4 The same report continued ‘An estimated 60 per cent of executions are for drug-related offences, with almost all others relating to murder or rape. A small number of executions relate to security-related offences. Although the media occasionally reports death sentences for adultery, apostasy, and blasphemy, very few executions for these offences have occurred in recent years.’<sup>16</sup>

4.1.5 In April 2019 Amnesty International (AI) published a report entitled ‘Death Sentences and Executions’ which covers the judicial use of the death penalty in various countries for the period January 2018 to December 2018. AI stated that information used in the report was collected from a variety of sources including official figures, judgments, information from individuals sentenced to death and their families and representatives as well as civil society organisations and media reports. The report stated:

‘The 253 executions recorded by Amnesty International in Iran was the lowest total it had recorded in the country since 2010, and less than half of the number it recorded in 2017 (507).

‘[...] The Islamic Penal Code continued to provide for stoning as a method of execution, but this was not recorded as being used in 2018. [...] Iranian law continued to provide for the death penalty for adultery. Two women, Zahra Derakhshani and Golestan Jankanlou, were sentenced to death by stoning for this “offence” [in 2018].’<sup>17</sup>

4.1.6 The sentencing of the aforementioned women was also reported by Kurdistan24, a media network based in Iraqi Kurdistan, in their article published in November 2018 entitled ‘Iran to execute two Kurdish women on adultery charges’. The article stated:

‘An Iranian court recently sentenced to death two Kurdish women on adultery charges, a Kurdish rights group reported on Monday.

“A Kurdish woman for [sic] Mako by the name of Gulistan Jnikanlou was sentenced to death by the Khoy Criminal Court of West Azerbaijan Province, accused of committing zina,” reported Hengaw, a group which writes on human rights violations involving Kurds in Iran.

“Zina” is an Arabic term, meaning acts of sexual intercourse prohibited by Islamic law. The court announced its decision on Sunday.

‘Jnikanlou, a mother of two children, was arrested on allegations of committing adultery in 2017. She was released on bail shortly thereafter.

‘In the same year, local authorities also arrested a man with whom they claimed Jnikanlou had intercourse. The man’s fate is yet unknown.

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<sup>15</sup> DFAT, ‘Country Information Report: Iran’, 7 June 2018, [url](#)

<sup>16</sup> DFAT, ‘Country Information Report: Iran’, 7 June 2018, [url](#)

<sup>17</sup> Amnesty International, ‘Death Sentences and Executions 2018’, 10 April 2019, [url](#)

[...] The Khoy Criminal Court also sentenced to death another woman, 37-year-old Zahra Derakhshani. She has been in prison for the past two years awaiting trial.

‘Both women were arrested on accusations their husbands made.’<sup>18</sup>

- 4.1.7 The 2 women were also mentioned in 2 separate reports produced by the Kurdistan Human Rights Network (KHRN), a ‘non-political, independent and non-profit organization established in France in 2014 by a group of lawyers and human rights activists’<sup>19</sup>. The first report published on 31 October 2018 entitled ‘Iran: A female prisoner sentenced to death for adultery’ stated:

‘A female prisoner detained in Khoy Prison, who was arrested on November 2016, was accused of adultery (sex outside marriage) after being sued by her husband and has been sentenced to death by the Criminal Court (Branch 1).

‘This prisoner has been identified as Zahra Derakhshani, born in 1982, married and a resident of Khoy. She was arrested with another citizen from Khoy on November 2016, on charges of adultery.

‘An informed source has told the Kurdistan Human Rights Network (KHRN) that the husband of this prisoner, a veteran and a member of the Basij [morality police], has been present at the court hearing as a private plaintiff in the case. However, despite the fact that neither of the above two people have accepted the adultery charge and the Forensic Medicine Bureau has also rejected any sexual relationship between them, Judge Ali Hassanzadeh (the head of the Criminal Court/Branch 1, who is also the chairman of the justice of the city of Khoy) has found them guilty of adultery solely based on what he has called as “Judge’s knowledge” and sentenced the female prisoner to death after she has spent a year in prison.

‘The source further said that the man arrested along with Zahra Derakhshani was later released on bail and the Derakhshani case was referred to the Supreme Court after her lawyer appealed. However, the Supreme Court has not issued a verdict yet.

‘It is worth mentioning that Derakhshani is currently imprisoned in women’s ward of Khoy prison.’<sup>20</sup>

- 4.1.8 The other report produced by KHRN was published on 6 November 2018 and stated:

‘A female prisoner detained at Khoy Prison was sentenced to death by the Criminal Court (Branch 1) of Khoy on charges of adultery (sex outside marriage).

‘Kurdistan Human Rights Network (KHRN) has been informed that Golestan Jankanloo (married with two children from one of the villages of Maku), who was arrested and charged with adultery (sex outside marriage) in 2017 has been sentenced to death by Branch 1 of Khoy court.

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<sup>18</sup> Kurdistan24, ‘Iran to execute two Kurdish women on adultery charges’, 5 November 2018, [url](#)

<sup>19</sup> KHRN, ‘About Us’, Undated, [url](#)

<sup>20</sup> KHRN, ‘Female prisoner sentenced to death’, 31 October 2018, [url](#)



'The verdict was verbally served on her yesterday by the Khoy Prison Administration.

'Golestan Jankanloo was arrested about a year ago in Maku, along with a married man. They were both charged with adultery and transferred to Khoy Prison they were both released on bail after a few months. However, the case, which was previously under investigation in the Maku court, was filed with the complaint of the wife of the woman in jail this time to the Branch 1 of the Khoy Justice Court.

'However, the complaint of Jankanloo's husband led to the referral of the case from Maku Court of Justice to Khoy Court of Justice (Branch 1).

'Ali Hasanzadeh, chairman of the Khoy who simultaneously heads the branch of a Court of Justice (Criminal Division), sentenced both defendants to death for the charge of adultery. The identity of the man who was detained along with this woman and later released on bail is unknown.

'Last week, the KHRN also announced the death sentence for Zahra Derakhshani, another female prisoner detained at Khoy Prison on charges of adultery.'<sup>21</sup>

- 4.1.9 A report by the United Nations General Assembly in September 2016 entitled 'Situation of human rights in the Islamic Republic of Iran' stated:

'Since 2015, at least two women convicted of the crime of adultery have been sentenced to stoning. In its response to the Special Rapporteur's report to the Human Rights Council (A/HRC/31/69), the Government notes that that criminalization of adultery is consistent with its interpretation of Islamic law and that stoning is an effective deterrent. On 7 July 2016, the Government also asserted that the judiciary had converted these sentences to other punishments and that no stoning sentences had been carried out in the country in recent years.'<sup>22</sup>

- 4.1.10 A joint report produced by Iran Human Rights (IHR) and Ensemble Contre La Peine de Mort (ECPM) [Together Against the Death Penalty] looked at the death penalty in Iran in 2018. The report, published on 26 February 2019, stated that hanging had been the only method of execution used since 2010 and that '[n]o implemented stoning punishments have been reported since 2010'<sup>23</sup>.

- 4.1.11 Individuals have been sentenced to death as a result of being found guilty of adultery in recent years. However, despite sources above stating that executions relating to adultery took place in 2010, CPIT could not find information indicating executions relating to adultery have taken place in Iran since 2009 in the sources consulted (see [Bibliography](#)). Articles produced by

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<sup>21</sup> KHRN, 'Female prisoner at Khoy prison sentenced to death for adultery', 6 November 2018, [url](#)

<sup>22</sup> UN General Assembly, 'Situation of human rights in Iran', 30 September 2016, [url](#)

<sup>23</sup> IHR & ECPM, 'Annual report on the death penalty in Iran 2018', 26 February 2019, [url](#)

the BBC<sup>24</sup>, CNN<sup>25</sup>, The Telegraph<sup>26</sup> and Iranian Human Rights<sup>27</sup> refer to the executions that occurred in 2009.

- 4.1.12 Al Arabiya, which describes itself as ‘the Arab world’s leading 24-hour news station’ that ‘provides a deeper understanding of Arab societies, cultures and economies’<sup>28</sup> stated the following in a May 2017 article entitled ‘Iran punishes adulterer by making her “wash dead bodies”’:

‘A court in Tehran court has sentenced a 35-year-old married woman to 74 to lashes and two years of washing dead bodies in a morgue.

‘The 35-year-old woman initially denied the cheating charges but admitted her guilt after the prosecutors provided proof of her adultery, according to the Iranian Students’ News Agency (ISNA).

‘The penal code in Iran views adultery among the highest of crimes, which may even carry capital punishment in case of multiple offenses.

‘Under Iran’s interpretation of Islamic Sharia law in force since its 1979 revolution, adultery is punished by the stoning of convicted adulterers.

‘In 2013, Iran amended its internationally condemned law on stoning convicted adulterers to death and now allow judges to impose different punishments as they see fit.’<sup>29</sup>

- 4.1.13 The same story was also reported by RT (formally Russia Today) in an article published on 13 May 2017 entitled ‘Iranian women to wash dead bodies in morgue for 2 years in adultery sentence - report’<sup>30</sup>.
- 4.1.14 In April 2016 Iran Focus, an ‘independent non-profit news service provider that focuses on events in Iran, Iraq and the Middle East’<sup>31</sup>, reported that ‘A woman has received 100 lashings in the town of Golpayegan, central Iran. State-run Serat News Agency reported the punishment on 27 April [2016]. Najafali Alyan, the government’s prosecutor in the town, said the lashings were punishment for adultery. The woman, only identified as S.T., is currently serving a 15-year prison term for an alleged role in the murder of her husband in 2012. This is the first time in years that state media has reported the public flogging of a woman.’<sup>32</sup>

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Section 5 updated: 18 June 2019

## **5 Pre-marital relationships and application of the law in practice**

- 5.1.1 The Suuntaus project report compiled by the Finnish Immigration Service on ‘Violence against women and honour- related violence in Iran’ dated 26 June 2015 citing various sources stated that:

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<sup>24</sup> BBC, ‘Iran executes two men by stoning’, 13 January 2019, [url](#)

<sup>25</sup> CNN, ‘Men stoned to death for adultery, murder in Iran, 13 January 2009, [url](#)

<sup>26</sup> The Telegraph, ‘Iran amends law on stoning for adultery’, 30 May 2013, [url](#)

<sup>27</sup> Iran Human Rights, ‘At least 7 stonings implemented in the past 4 years’, 21 August 2010, [url](#)

<sup>28</sup> Al Arabiya, ‘About’, undated, [url](#)

<sup>29</sup> Al Arabiya, ‘Iran punishes adulterer by making her “wash dead bodies”’, 15 May 2017, [url](#)

<sup>30</sup> RT, ‘Iranian women to wash dead bodies in morgue for 2 years’, 13 May 2017, [url](#)

<sup>31</sup> Iran Focus, ‘About us’, 14 March 2004, [url](#)

<sup>32</sup> Iran Focus, ‘Iran lashes woman in public’, 30 April 2016, [url](#)



‘Premarital sex carries a penalty of up to 100 lashes and between 10 days and two months of imprisonment. No detailed information is available on how common flogging is in these cases, as they are not entered into official statistics, and victims avoid talking about them in public for fear of stigmatization.’<sup>33</sup>

5.1.2 The DIS-DRC 2018 report entitled ‘Iran: Relations outside of marriage in Iran and marriages without the acceptance of the family’ stated that:

‘Pre-marriage relationships also known as white marriages are widespread and common among young people, and the number of these cohabitations is increasing. These types of relations are widespread in Tehran and other major cities in Iran, but the frequency of relations outside of marriage might differ in the country’s east border and the border close to Arabic countries as well as rural areas.

‘The youth cannot afford marrying and due to that they are more likely to engage in pre-marital relationships.

‘Living in a white marriage means an illicit cohabitation between a man and a woman who are not married. Furthermore, there is no cleric to solemnize or to officiate a white marriage, a source explained.

‘Generally, the police do not crack down on white marriages. If no one reports pre-marriage relation to the authorities, the unmarried couples will not be prosecuted by the authorities, a source informed the delegation.

‘An anonymous legal source mentioned that previously there was severe persecution of young Iranians who were being questioned on the streets about their relationships and even punished for vulgar and unethical behaviour simply for being seen in the public with a person of the opposite sex without being in a marital relationship. The more recent approach of the authorities is a soft approach where there is less and less pressure on the Iranian youth especially in major cities like Tehran. A Western embassy (2) noted that the Iranian society has become more tolerant. A Western embassy (4) noted that it happens that the morality police will more strictly enforce modesty rules in situations with elections or similar political events.’<sup>34</sup>

5.1.3 The same source further stated:

‘When asked about trial cases involving couples engaged in a pre-marriage relationship, several sources noted that they did not have information or examples of recent cases related to pre-marriage relations ending up in courts.

‘A source explained that due to the pressure on the judiciary, the courts have reduced the use of harsh punishment, and capital punishment is no longer used.

‘It cannot be excluded that families or neighbours report a pre-marriage relationship, according to a Western embassy (4). A Western embassy (2) noted that cases where the families take a matter regarding premarriage

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<sup>33</sup> Finish Immigration Service, ‘Honour-related violence in Iran’, 26 June 2015, [url](#)

<sup>34</sup> DIS-DRC, ‘Iran – Relations outside of marriage’, February 2018 [url](#)

relationship to the court happen very rarely. Consequences within the families are generally minimal but there is a massive difference between families practice and it depends on where in Iran it is taking place. In the south of Iran, the families would most likely take it upon themselves to solve the matter for instance the couple might be forced into marriage.

‘An anonymous analyst mentioned that if someone reports such a relationship, the person would in most cases be neglected by the authorities. In more conservative cities like Qum and Mashad, the situation regarding white marriages might differ. Young people may, however, enter a religious marriage if they engage in sexual relations and they want to avoid trouble with the law. The period of their engagement before marriage will often be legalized by a religious marriage. In general, people are more liberal and open minded now towards relations before a registered marriage.

‘By law, relationship between a man and a woman outside a marital relationship is punishable by 100 lashes but the punishment varies depending on the specific case. A source added that it could end up between 6 months – 1 year in prison and usually ends up with detainment for some time.’<sup>35</sup>

- 5.1.4 An article produced by the Center for Human Rights in Iran (CHRI) entitled ‘Iranian couples increasingly living together outside of marriage’ stated that:

‘Under Iranian Sharia law, men and women are required to register their marital union. Those who choose not to do so are considered by the state as living in sin and committing adultery, an offense punishable by death.

‘But more and more young Iranians are choosing to take the risk.

‘Perceiving the growing trend as a threat to revolutionary ideals, state officials are condemning the lifestyle choice through words and actions. “The decline of marriage statistics is a serious threat, and unfortunately, many young people have turned to ‘white marriages,’ which is a new malady and a serious blow to the family,” Seyed Reza Salehi Amir, an advisor to President Rouhani, said on February 1.

‘He added that compared to last year, marriages have declined by 6.5% and divorces have increased by 4.5%.’<sup>36</sup>

- 5.1.5 An article entitled “‘White marriage’ a growing trend for young couples in Iran” published by the Los Angeles Times in May 2015 stated:

‘Last year, the chief of staff to the supreme leader, Ayatollah Ali Khamenei, called cohabitation “shameful.”

‘[...] There are no official estimates on the number of unmarried couples cohabiting in Iran, where those who engage in sex, dating or even hand holding out of wedlock find themselves on the wrong side of the law. But officials such as Siyavash Shahrivar, deputy governor of greater Tehran, say that “white marriages” are on the increase.

‘With about 60% of the population younger than 30, cohabitation is inevitable in Iran, according to Nina Ansary, an expert on women’s rights in the Islamic

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<sup>35</sup> DIS-DRC, ‘Iran – Relations outside of marriage’, February 2018 [url](#)

<sup>36</sup> CHRI, ‘Iranian couples living together outside of marriage’, 5 February 2016, [url](#)

Republic. And although the official rhetoric is hard-line, a significant portion of Iranian society is more sophisticated and less hidebound than the ruling establishment.

'[...] To mask their mores, many unmarried couples wear fake wedding bands and memorize each other's family trees, small protections to make their phony marriages seem real in case they are stopped by police.'<sup>37</sup>

- 5.1.6 The article went on to focus on a young couple who are cohabiting illegally in Iran and stated:

'The couple's only legal alternative to traditional marriage is sigheh, a temporary marriage under Islamic law. The short-term contract allows relations before marriage. Sigheh can last for as little as a few hours or it can span decades, and it doesn't end in costly divorce.

'Although government officials and clerics advise young men to consider temporary marriages, the practice is frowned upon by many Iranians, especially educated young women such as Ziba, who find it offensive.'<sup>38</sup>

- 5.1.7 An article published by The Iran Project entitled 'Culture Minister criticizes white marriage prevalence in Iran' stated:

'Expressing concern over the growing trend of 'white marriage' (cohabitation) among the young couples in the country, Minister of Culture and Islamic Guidance Ali Jannati said "unfortunately, today we are dealing with a lot of abnormalities in the society; one of them is the illegal 'white marriage' that should be studied and modified seriously."

'Referring to the phenomenon of "white marriage", Gharaee Moghadam, socialist, also said that it is not a marriage, because marriage is a religious, customary and legal bond between a man and a woman.

'He named high cost of marriage and low responsibility as the two main reasons why the increasing number of Iranian couples living together without being married.

'The trend has recently become so prevalent that Supreme Leader's Chief of Staff Hojjatoleslam Mohammad Mohammadi Golpayegani issued a statement, calling on officials to "show no mercy" in clamping down on cohabitation.

"It won't take long for people who've chosen this lifestyle to have wiped out a legitimate generation with an illegitimate one," Mohammadi Golpayegani said.'<sup>39</sup>

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Section 6 updated: 18 June 2019

## **6 Treatment of women**

- 6.1.1 The 2013 IHRDC article entitled 'Gender Inequality and Discrimination: The Case of Iranian Women' stated:

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<sup>37</sup> LA Times, "White marriage' a growing trend for young couples in Iran', 29 May 2015, [url](#)

<sup>38</sup> LA Times, "White marriage' a growing trend for young couples in Iran', 29 May 2015, [url](#)

<sup>39</sup> The Iran Project, 'Culture Minister criticizes white marriage in Iran', 12 August 2015, [url](#)

‘Under the IRI’s [Islamic Republic of Iran] criminal law, some crimes and their elements are based on gender discrimination and some punishments differ between the genders. In some exceptional cases, the law gives a lesser punishment to women as compared to men for the same crime, such as the crime of homosexuality for which men get the death penalty, while women receive 100 lashes. However, in most other cases the law, as written and as applied, imposes harsher punishments on women. One example of a punishment which is applied with more frequency and severity to women is stoning to death for the crime of adultery.

‘[...] Although the punishment of stoning applies to men as well, it is applied in greater proportion to women. For example, in 1998 (a year with high recorded rates of punishment by stoning) five of the seven people reportedly sentenced to death by stoning were women. In fact, women are more readily accused and convicted of adultery, while men are rarely punished for adultery because they can easily claim that they engaged in those relations in the bounds of a temporary married [sic]. Claiming a temporary marriage permits sexual relations outside of formal marriage. Men can more easily claim a temporary marriage because under Iranian laws they may have multiple wives, allowing them to have both a permanent wife and be temporarily married at the same time. On the other hand, women cannot have multiple spouses under Iran’s laws, thus making stoning more likely for women than men since they cannot evade punishment for adultery by claiming that the relations occurred in a lawful temporary marriage.

‘In addition, although the details of execution by stoning are omitted in the new Penal Code, Islamic sources are specific about the procedure by which execution by stoning should be implemented, right down to the size of the stones that should be used. According to this guidance, men shall be buried up to their waists and women up to their chest for the purpose of execution by stoning. The fact that men are only restrained up to their waists gives them a greater opportunity for escape than women subjected to the same punishment, since it is mandated that the latter be buried more deeply. The ability to escape the stoning pit is significant: in cases where an individual is convicted on the basis of their own confession, their life can be spared if they manage to escape from the pit during the execution.

‘[...] The rule concerning the disparate weight of witness testimony between genders has its roots in one of the most controversial parts of the Islamic Shari’a that views women as inferior to men in respect to mental abilities. According to this traditional perception, women are not reasonable beings but rather consumed with emotion and with a tendency for forgetfulness. Therefore, the view is that their testimonies should not be given full value and should not be accepted in all cases but only in less important cases and only when accompanied by the testimonies of men. What must be challenged is this discriminatory view towards women that also deprives women from taking up some decision making positions such as working as a judge.’<sup>40</sup>

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<sup>40</sup> IHRDC, ‘Gender Inequality and Discrimination: The Case of Iranian Women’, 5 March 2013, [url](#)

6.1.2 The USSD 2018 Country Report on Human Rights Practices published in March 2019 stated:

'The constitution provides for equal protection for women under the law in conformity with its interpretation of Islam. The government did not enforce the law, and provisions in the law, particularly sections dealing with family and property law, discriminate against women.

'[...] Women sometimes received disproportionate punishment for crimes such as adultery, including death sentences. Islamic law retains provisions that equate a woman's testimony in a court of law to half that of a man's and value a woman's life as half that of a man's. According to the law, the diyeh paid in the death of a woman is half the amount paid in the death of a man, with the exception of car accident insurance payments. [...]

'The law permits a man to have as many as four wives and an unlimited number of sigheh (temporary wives), based on a Shia custom under which couples may enter into a limited-time civil and religious contract, which outlines the union's conditions.

'A woman has the right to divorce if her husband signs a contract granting that right; cannot provide for his family; has violated the terms of their marriage contract; or is a drug addict, insane, or impotent. A husband is not required to cite a reason for divorcing his wife. The law recognizes a divorced woman's right to part of shared property and to alimony. These laws were not always enforced.

'Women sometimes received disproportionate punishment for crimes such as adultery, including death sentences. Islamic law retains provisions that equate a woman's testimony in a court of law to half that of a man's and value a woman's life as half that of a man's. According to the law, the diyeh [compensation] paid in the death of a woman is half the amount paid in the death of a man, with the exception of car accident insurance payments.

'[...] Most rape victims likely did not report the crime because they feared official retaliation or punishment for having been raped, including charges of indecency, immoral behavior, or adultery, the last of which carries the death penalty. Rape victims also feared societal reprisal or ostracism'.<sup>41</sup>

6.1.3 An article looking at the practise of stoning published in September 2013 by the Independent stated:

'Campaigners say women are more likely to be convicted of adultery than men because discriminatory laws and customs penalise women more for extramarital sex.

'If a man is unhappy with his wife he can – depending on the country – divorce, take other wives or marry another woman temporarily. A woman has few options. She can divorce only in certain circumstances and risks losing custody of her children. Men accused of adultery are also more likely to have the means to hire lawyers, and their greater physical freedom makes it easier for them to flee in situations where they risk extrajudicial stoning.

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<sup>41</sup> USSD, 'Iran 2018 Human Rights Report', 13 March 2019, [url](#)

‘Activists say trials are often unfair. Convictions are frequently based on confessions made under duress. As adultery is difficult to prove, judges in Iran can also convict on the basis of gut feeling rather than evidence.

‘Even the manner of stoning is loaded against women. People sentenced to stoning in Iran are partially buried. If they can escape they are spared. But women are customarily buried up to their chests while men are only buried up to their waists.’<sup>42</sup>

- 6.1.4 One recent high-profile adultery case in Iran was that of Sakineh Mohammadi Ashtiani. An article published by the Guardian in December 2010 looked at the timeline of events that lead to Ashtiani being sentenced to death for adultery. The article stated that in May 2006 she was ‘found guilty of adultery by a court in Tabriz, north-west Iran, and ordered to receive 99 lashes, a sentence carried out in the presence of her 17-year-old son’. In September 2006 ‘Ashtiani’s case is reopened when the Tabriz court suspects [sic] her of involvement in the death of her husband. She is acquitted, but the judge reviews the earlier adultery charge and sentences [sic] her to death by stoning’<sup>43</sup>.

- 6.1.5 After an international campaign to save her the Iranian government halted her death sentence in September 2010. An article published on 8 September 2010 by the New York Times stated:

‘An Iranian official has confirmed that the government halted the sentence of death by stoning of a woman convicted of adultery, but he reiterated that she was still facing accusations of murder.

‘The official, Ramin Mehmanparast, a spokesman for Iran’s Foreign Ministry, was the highest-ranking Iranian official to formally acknowledge that Iran had suspended the woman’s stoning, a sentence that provoked an international outcry and intensified criticism of Iran’s human rights record.

‘Mr. Mehmanparast made the comments at a weekly news conference here on Tuesday, saying that officials were reviewing the adultery charges against the woman, Sakineh Mohammadi Ashtiani. But he said officials were still moving ahead with sentencing Ms. Ashtiani for what they said was her role in the killing of her husband, which could result in a death sentence or a prison term.

‘Iran had previously indicated that it had lifted Ms. Ashtiani’s stoning sentence, even as it gave indications she would instead be executed by hanging.

‘Ms. Ashtiani was convicted of adultery in 2006, but the murder charges emerged publicly just weeks ago, as Iranian officials responding to a fusillade of criticism from human rights groups and foreign leaders sought to tilt focus away from the adultery charges and portray Ms. Ashtiani as a killer.

‘Last month, Iranian state television broadcast a videotaped interview with Ms. Ashtiani that it portrayed as a confession in her husband’s death. But

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<sup>42</sup> The Independent, ‘Special report: The punishment was death by stoning’, 29 September 2013, [url](#)

<sup>43</sup> The Guardian, ‘Sakineh Mohammadi Ashtiani: a timeline’, 9 December 2010, [url](#)



human rights groups condemned the broadcast, and Ms. Ashtiani's lawyers said she agreed to appear in it only after being tortured in prison.'<sup>44</sup>

6.1.6 An article published in March 2014 by the Telegraph stated:

'An Iranian woman whose sentence to death by stoning for adultery became an international cause celebre has been released from prison, according to one of the country's senior leaders.

'Sakineh Mohammadi Ashtiani was "granted leave", the head of the country's human rights council, Mohammed Javad Larijani, told a press conference, according to local news agencies.

'Mrs Ashtiani, who was reported to have attempted suicide last month, was sentenced to death by stoning for adultery and complicity in the murder of her husband in 2006, provoking an international outcry.

'After her two sons started a campaign against the sentence, there were vigils in world capitals, a vote of condemnation in the European Parliament, and subsequent rows between human rights activists, politicians, and the Iranian authorities.

'[...] Nevertheless, it was made clear that the death sentence had been postponed, though it has never been formally dropped. The murder sentence was set at 10 years, in agreement with the husband's family, though her family always contested the fairness of the case against her.

'At a press conference on Tuesday, Mr Larijani attacked "outside interference" in Iran over its human rights record, particularly by the UN rapporteur on human rights in Iran, Ahmed Shaheed.

'However, he did say that Mrs Ashtiani was no longer in prison. "There was a lot of noise because of this case on the international scene," he said. "We obtained the pardon of the victim's family, and the sentence was reduced to ten years.

"She has been granted leave on account of good behaviour."'<sup>45</sup>

6.1.7 Whilst women are disproportionately affected by discriminatory laws, men have also been convicted of adultery and punished by stoning (see Paragraphs 4.1.6 – 4.1.8 and 4.1.11).

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Section 7 updated: 18 June 2019

## 7 Honour related violence

7.1.1 The USSD 2018 Country Report on Human Rights Practices published in March 2019 stated that '[t]here were no official reports of killings motivated by "honor" or other harmful traditional practices during the year, although human rights activists reported that such killings continued to occur, particularly among rural and tribal populations.'<sup>46</sup>

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<sup>44</sup> The New York Times, 'Iran lifts sentence of stoning for Women', 8 September 2010, [url](#)

<sup>45</sup> The Telegraph, 'Iranian women spared stoning for adultery', 18 March 2014, [url](#)

<sup>46</sup> USSD, 'Iran 2018 Human Rights Report', 13 March 2019, [url](#)

7.1.2 The IHRDC article ‘Gender Inequality and Discrimination: The Case of Iranian Women’ dated 8 March 2013 stated that:

‘The behavior—or the suspicion of such behavior—that is usually perceived as bringing dishonor upon a family include engaging in an extramarital relationship, electing to marry according to personal choice and refusing an arranged marriage, being a victim of rape, homosexual acts, or even dressing in an inappropriate manner in the eyes of the family.

‘[...] Due to the clandestine nature of such practices, a lack of government reporting and other factors, there are no precise statistics about the rate of honor killings in Iran.

‘[...] Article 630 of the previous Penal Code expressly allowed a husband to kill his wife and her lover, if he caught them in flagrante, (“in blazing offense” in Latin; legal term that indicates a criminal has been caught in the act of committing an offense). However if he knows that his wife acted under coercion, he may only kill her rapist (Article 630). While in the new Penal Code Article 630 is unchanged, a paragraph has been added to Article 300 which again stresses the exemption of husband from qisas (retaliation) in cases where he kills his wife and her lover in flagrante. In fact, not only has Article 630 not been repealed, the IRI has solidified its approval of this practice.

‘Moreover, as already discussed, a father cannot be sentenced to qisas (retaliation) for killing his child, rather he can only be sentenced to three to ten years’ imprisonment. This gives fathers legal immunity if they kill their children and opens the door to more honor killings without any effective and deterrent punishment.’<sup>47</sup>

7.1.3 The Suuntaus project report compiled by the Finnish Immigration Service on ‘Violence against women and honour- related violence in Iran’ dated 26 June 2015 citing various sources, but quoting statistical information dating back to 2008, stated that most ‘honour’ killings were committed in Kurdistan and Khuzestan, but that they can take place in all kinds of families from different social classes and educational backgrounds. It further noted that:

‘Both women and men are vulnerable to honour-related violence in Iran. An honour killing is a murder committed or ordered by a husband, a father, a brother or another relative as a punishment to a family member who is seen to have damaged the family’s reputation by their actions. Such actions can include extramarital sex [...]. In the most extreme cases, even a suspicion of such actions is enough. Due to cultural reasons, women and girls are the mostly likely victims of honour killings.

‘In most cases, the victim is a woman and the perpetrator is a male member of the victim’s family. Adultery by a married woman is considered the most serious offence in this respect.

‘Honour killings are often based on unconfirmed suspicions and rumours, which in the most conservative communities can be sparked by very minor acts, such as talking to an unknown man in a public place.

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<sup>47</sup> IHRDC, ‘Gender Inequality and Discrimination: The Case of Iranian Women’, 5 March 2013, [url](#)



[...] It is difficult to estimate the prevalence of honour-related violence against men, as there are no statistics on it. Honour-related violence is primarily seen as criminality targeted at women by their family members or relatives, which means that victims who are not related to their perpetrators and male victims are left out of the definition and, therefore, statistics.

‘Articles 299 and 630 of the Iranian Penal Code protect perpetrators of honour killings. [...] In one case reported by the media, a man who had killed his wife’s lover after catching them in the act was sentenced to death under the qisas principle, as he was unable to prove that adultery had taken place. The qisas sentence was nevertheless overturned on appeal. The wife was sentenced to 99 lashes but escaped the death penalty as the act could not be proven by the four witnesses required under Sharia law.

[...] Experiences from Khuzestan show that when the authorities tried to weed out the tradition by sentencing perpetrators to long prison terms, a new strategy quickly evolved to circumvent punishments: families began to hire outsiders to run over girls who needed to be murdered for damaging the family’s honour, which left them with just small fines to pay.

[...] Women are also sometimes pressured into committing suicide so that no one will be punished for their deaths. More than half of the honour killings of women that came to the attention of the UN Special Rapporteur on Violence against Women were made to look like suicides by self immolation.’<sup>48</sup>

- 7.1.4 The joint DIS-DRC 2018 report entitled ‘Iran: Relations outside of marriage in Iran and marriages without the acceptance of the family’ stated the following in regard to internal relocation in connection with honour-related conflicts:

‘Internal relocation in Iran in connection with an honour-related conflict is possible in theory, but in practice it can be complicated. One obstacle in this regard is that landlords usually are not willing to rent an accommodation to unmarried persons. Furthermore, internal relocation depends on where in the country the relocation is; there is a difference between a large and a small city. A source explained that neighbours in small villages would be watching. This is not the case in big cities, where people live in apartments. Another aspect mentioned by one source is that if an individual is part of an ethnic and/or a religious minority, internal relocation would not be as easy because he/she would not have a community to protect him/her.

‘If a woman needs to relocate to another part of the country she would probably turn to friends, extended family, network etc. A source added that relocation is not a permanent stage as the family sooner or later will find the relocated person.’<sup>49</sup>

- 7.1.5 For more information on honour crimes, see the country policy and information note on: [Iran: Honour crimes against women](#).

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<sup>48</sup> Finish Immigration Service, ‘Honour-related violence in Iran’, 26 June 2015, [url](#)

<sup>49</sup> DIS-DRC, ‘Iran – Relations outside of marriage’, February 2018 [url](#)

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
  - Constitution
  - Legislation
  - Criminal/Penal Code
  - Sharia
  - Law in practice
- The death penalty
  - Status of the death penalty in law
  - Offences punishable by the death penalty
- State attitudes and treatment
  - Arrests and detention
  - Prevalence
- Societal attitudes and treatment
  - Societal Norms
  - Family treatment
- Women
  - Laws that discriminate against women
  - Nature of violence/harm
- "Honour" Crimes
  - Nature of violence/harm
  - Actors of violence/harm
  - Prevalence

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **2 October 2019**

## Changes from last version of this note

CPIN updated to reflect current country of origin information.

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